

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and in response to the final Office Action dated December 28, 2009, which set a three-month period for response, making a response due by March 28, 2010.

Claims 1-26 are pending in this application.

In the final Office Action, claims 9 and 19 were objected to for informalities. Claims 1-15, 17-22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,456,222 to Agne in view of U.S. PG Pub 2003/0099176 to Okada. Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada as applied to claim 4 and further in view of U.S. Patent No. 6,736,062 to Frank et al. Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada as applied to claim 10 and further in view of U.S. PG Pub 2001/0018872 to Tokiwa.

In the present amendment, claims 9 and 19 were amended to address the objections.

The Applicant notes that a Supplemental Amendment was filed on or around the date of issuance of the present final rejection. The Supplemental Amendment was filed in connection with a personal interview with the Examiner.

The Applicant assumes that although the Supplemental Amendment appears to have been made of record, it has not been considered by the Examiner.

Therefore, in the present amendment, in addition to the changes noted above with regard to claims 9 and 19, new independent claim 25 and dependent 26 have been added which specifically define the pulse trains provided in the drive device according to the present invention. The features of new claims 25 and 26 reflect the distinctions discussed with the Examiner during the personal conference.


With regard to previously amended claim 1, neither Agne nor Okada disclose 1) a pulse train in the form of output signals ($I(t)$; $I_0(t)$); 2) at least one circuit configured to generate said out put signals that are parameterized with regard to a number of pulses per rotation ($n/2\pi$) and an assignment to one of the at least two virtual leading axes (a; b); AND that the pulse train includes a set of correlated pulse trains, wherein said set of correlated pulse trains are configured to indicate a direction of a movement, increase reliability, and define a zero point.

When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

The application as amended is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further

comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700